



## State of Arizona Acupuncture Board of Examiners

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### REGULAR MEETING

August 28, 2013

### OPEN SESSION MINUTES

Members of the Arizona Acupuncture Board of Examiners met at 1:00 p.m. on Wednesday, August 28, 2013, at 1400 West Washington, Conference Room B-1, Phoenix, Arizona.

#### **Board Members Present:**

Woohyung Cho, L.AC., Professional Member, Chairman

Christopher M. Clair, Consumer Member, Secretary

Ross Adelman, Consumer Member

Teresa Buechel, L.AC., Professional Member

Maureen Bronson, Consumer Member

Patricia E. Martin, L.AC., Professional Member

#### **Board Members Absent:**

John M. Rhodes, L.AC., Professional Member

Vacancy, Professional Member

Vacancy, Professional Member

#### **Administrative Staff:**

Pete Gonzalez, Executive Director

#### **Attorney General Representative:**

Montgomery Lee, Assistant Attorney General

#### **Call to Order**

Chairman Cho called the meeting to order at 1:05 p.m.

The following order of business was then considered:

**Declaration of Conflicts of Interest**

None.

**Discussion and Approval of Minutes**

Board Member Bronson moved the adoption of the June 26, 2013 regular board meeting minutes with Board Member Martin providing a second. The motion carried by unanimous vote: 6-0.

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	<b>Vote</b>
X	X	X	X	X	X				Aye
									Nay
									Recused
									Abstained
						X			Absent

Board Member Bronson moved the adoption of the June 26, 2013 executive session meeting minutes with Board Member Clair providing a second. The motion carried by unanimous vote: 6-0.

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	<b>Vote</b>
X	X	X	X	X	X				Aye
									Nay
									Recused
									Abstained
						X			Absent

Board Member Bronson moved the adoption of the second set of June 26, 2013 executive session board meeting minutes with Board Member Martin providing a second. The motion carried by unanimous vote: 6-0.

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	<b>Vote</b>
X	X	X	X	X	X				Aye
									Nay
									Recused
									Abstained
						X			Absent

Board Member Bronson moved the adoption of the July 24, 2013 regular board meeting minutes with Board Member Martin providing a second. The motion carried by unanimous vote: 6-0.

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	Vote
X	X	X	X	X	X				Aye
									Nay
									Recused
									Abstained
						X			Absent

### Complaints/Investigations

#### Complaint #2014-01 Toni Munoz, PT

Assistant Attorney General Lee provided the Board with the options available in the handling of this complaint.

Board Member Cho moved to enter executive session to receive legal advice regarding the executive session minutes at 1:16 p.m. with Board Member Adelman providing a second. The motion carried by a vote: 6-0.

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	Vote
X	X	X	X	X	X				Aye
									Nay
									Recused
									Abstained
						X			Absent

The Board returned to regular session at 2:10 p.m.

Board Member Adelman moved to table Complaint #2014-01 to request additional information with Board Member Clair providing a second. The motion carried by a vote of: 6-0.

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	Vote
X	X	X	X	X	X				Aye
									Nay
									Recused
									Abstained
						X			Absent

Roopali H. Desai, attorney representing the Coalition of Arizona Acupuncture Safety (CAAS), spoke to the Board regarding the unauthorized practice of acupuncture that poses a threat to the safety of the public. Ms. Desai also spoke to

the materials provided to the Board which states the position of the CAAS on the matter of dry needling as performed by physical therapists. Ms. Desai addressed her concerns with the claims made by the Ms. Munoz in Complaint #2014-01. Ms. Desai stated Arizona law is clear on the requirements to practice acupuncture via appropriate training. Ms. Desai described the action taken by the State of Arizona Board of Physical Therapy regarding the issue involving Ms. Munoz. She requested the Board to send a letter to the State of Arizona Board of Physical Therapy asking them to stop physical therapists from practicing acupuncture. In addition, Ms. Desai asked the Board to refer this complaint to the Yavapai County Attorney’s office for review.

**Applications for Licensure (without self-disclosures)**

The Board reviewed the license applicant chart and Board Member Bronson moved for the approval of the applicants for licensure listed below with Board Member Adelman providing a second. The motion carried by unanimous vote: 6-0.

Tamara Aukon  
 Gordon R. Cohen  
 Lisa Swanson

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	Vote
X	X	X	X	X	X				Aye
									Nay
									Recused
									Abstained
						X			Absent

**Applications for Auricular Certificate (without self-disclosures)**

The Board reviewed the applicant chart and Board Member Bronson moved for the approval of the applicants for certification listed below with Board Member Martin providing a second. The motion carried by unanimous vote: 6-0.

Sue Y. Tham  
 Kathleen Prichard-Hickerson

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	Vote
X	X	X	X	X	X				Aye
									Nay
									Recused
									Abstained
						X			Absent

**Other Applications/Requests – Continuing Education**

“Mindfulness Based Stress Reduction for Medical Practitioners” provided by Susan Patrick, Psy.D. for 16 on September 10, 17, 24 and October 1, 8, 15, 19, 22, 29, 2013 in Flagstaff, Arizona.

The Board reviewed the application and Board Member Adelman moved for approval of the application with Board Member Martin providing a second. The motion carried by the vote of: 5-1.

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	Vote
X	X	X	X	X					Aye
					X				Nay
									Recused
									Abstained
						X			Absent

“Understanding Medicinal Mushrooms—Chronic Disease” provided by Anastacia White for 10 hours via online.

The Board reviewed the application and Board Member Cho moved for approval of the application with Board Member Adelman providing a second. The motion carried by the vote of: 4 ayes, 1 nay and 1 abstained.

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	Vote
X	X	X	X						Aye
				X					Nay
									Recused
					X				Abstained
						X			Absent

“The Five Spirits—The Heart of Chinese Medicine” provided by Anastacia White for 10 hours via online.

The Board reviewed the application and Board Member Adelman moved for approval of the application with Board Member Cho providing a second. The motion carried by the vote of: 5 ayes and 1 abstained.

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	Vote
X	X	X	X	X					Aye
									Nay
									Recused
					X				Abstained
						X			Absent

“Balancing Hormones—The Five Phases of Feminine Life” provided by Anastacia White for 10 hours via online.

The Board reviewed the application and Board Member Adelman moved for approval of the application with Board Member Bronson providing a second. The motion carried by the vote of: 5 ayes and 1 abstained.

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	Vote
X	X	X	X	X					Aye
									Nay
									Recused
					X				Abstained
						X			Absent

“Herb-Drug Interactions” provided by the Phoenix Institute of Herbal Medicine and Acupuncture for 3 hours on September 13, 2013 in Phoenix, Arizona.

Board Member Martin questioned the language found in the application regarding board rules as it pertains to review and approval of this course without application as found in Board Rule R4-8-408.

The Board reviewed the application and Board Member Clair moved for approval of the application with Board Member Cho providing a second. The motion carried by the vote of: 5 ayes and 1 abstained.

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	Vote
X	X	X	X	X					Aye
									Nay
									Recused
					X				Abstained
						X			Absent

**Professional Business**

Update on activities regarding the topic of Dry Needling

Executive Director Gonzalez provided a summary of activities that have taken place in the past while addressing the concern of dry needling as practiced by individuals without proper training and authority.

The Board heard from a number of individuals regarding the issue of dry needling as performed by physical therapists.

Ms. Roopali Desai reasserted her concerns with physical therapists performing dry needling without statutory authority. She stated the Arizona State Board of Physical Therapy will not provide specific state language that demonstrates scope of practice authority for dry needling.

Theresa Ulmer and Laura Magnus from the Aarons Company provided the Board with a report on their activities on behalf of the Board. This includes visiting with policy leaders, health care professionals and other interested parties that share the concerns with physical therapists practicing dry needling.

## **Executive Director Report**

### **License and Certificate Status Report:**

Active Licensed Acupuncturists: 550  
Expired Licenses: 6  
Active Certified Auricular Acupuncturists: 39

### **Board Office Information/Activities:**

- Pursuant to Arizona Revised Statutes §32-3925 (B), license and certificate renewal notices for September and October 2013 licensees were prepared and sent. In addition, expired license and certificate letters for the months of June and July 2013 were sent.
- Completed and submitted the Notice of Agency Records Officer to the Arizona State Library, Archives and Public Records as required by ARS §41-151-14.
- Completed and submitted the agency survey on services provided by the Office of the Attorney General.
- Completed and submitted the agency delegation procurement report.
- Completed and submitted the 2<sup>nd</sup> Quarter Lobbyist Expenditure Report to the Arizona Secretary of State's office.
- Completed and submitted the Principal/Public Body Amendment to add lobbyist report with the Arizona Secretary of State's office.
- Attended Governor's Budget Office training for Fiscal Year 2015 budget submission on July 30.
- Participated on the NCCAOM Professional Development Activity panel meeting on July 16, 2013.
- Preparing FY 2015 budget submission to the Office of the Governor.
- Meeting with public policy consultant on dry needling issue.
- Received 11 complaints from the Arizona Coalition of Arizona Acupuncture Safety against physical therapists practicing dry needling in the state.

### **Annual Reports**

- For the completed fiscal year, the customer service survey results with 70 completed and returned surveys are as follows.

The rating system found below was used in the survey.

Unsatisfactory								Very Satisfactory
	1	2	3	4	5	6	7	8

For Question Number 1--Did you find the staff of the Board to be easily accessible?  
A rating of 7.7 was recorded.

For Question Number 2--Was the staff courteous and responsive to your  
questions/needs? A rating of 7.8 was recorded.

For Question Number 3--Was your request/concern handled in a timely manner? A  
rating of 7.8 was recorded.

For Question Number 4-- What is your overall opinion of services provided by  
the Arizona Acupuncture Board of Examiners?  
A rating of 7.8 was recorded

- Numbers of Applications Received in the fiscal year were as follows:
  - 52 regular acupuncture licenses applications submitted
  - 7 auricular acupuncture certificate applications submitted

### **Future Meeting Dates**

September 25, 2013

October 23, 2013

### **Call to the Public**

Y.M. Chen, L.AC., introduced seventeen members of the Chinese community and practitioners of acupuncture. Mr. Chen shared his thoughts on physical therapists using dry needling, practicing outside their scope of practice, minimal training and posing a public health risk.

Lloyd Wright, L.AC. stated consumers are in danger due to poor training and feels the public must have some confidence that physical therapists are trained. Mr. Wright feels the Arizona State Board of Physical Therapy has failed to regulate their licensees as it related to dry needling. He strongly urges the Board to protect the public since the Arizona State Board of Physical Therapy doesn't appear to be doing its' job.

Elyse Tera, L.AC., President of the Arizona Society of Oriental Medicine and Acupuncture provided an update on the organizations' new board of directors and fall conference—November 8-10. Ms. Tera stated no herbal proposal will be presented in 2014.

### **Discussion of Items to be place on a future meeting agenda**

Legislative Advisory Committee meeting  
Discussion on Continuing Education requirements  
Reports from Arizona Schools of Acupuncture  
Board website updates

## Adjournment

Board Member Bronson moved for adjournment and Board Member Adelman provided a second. The motion carried by unanimous vote: 6-0. The Board adjourned at 3:50 p.m.

Adelman	Bronson	Buechel	Cho	Clair	Martin	Rhodes	Vacancy	Vacancy	<b>Vote</b>
X	X	X	X	X	X				Aye
									Nay
									Recused
									Abstained
						X			Absent

Respectfully Submitted,



Pete Gonzalez  
Executive Director

Approved by the Board: September 25, 2013